

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

-against-

ARGEMIRO ZAPATA-CASTRO,
Defendant.

ORDER

(S1) 18 Cr. 601 (PGG)

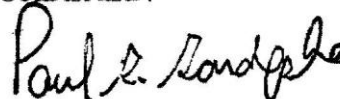
PAUL G. GARDEPHE, U.S.D.J.:

Defendant Argemiro Zapata-Castro pled guilty to Count Seven of the (S1) Indictment before Magistrate Judge Aaron on March 16, 2020. (Plea Tr. (Dkt. No. 294)) Defendant claims that he was not advised, before his plea, that his plea agreement provided for a two-level Sentencing Guidelines enhancement for his role in the offense, and a two-level increase for possession of a firearm. (See Def. Ltr. (Dkt. Nos. 377, 378)) During today's telephone conference, the Defendant agreed that the role-in-the-offense enhancement was appropriate, but continued to dispute the applicability of the firearms enhancement. Because of the parties' dispute concerning the firearms enhancement, this Court cannot accept Defendant's guilty plea, or schedule the matter for sentencing.

By February 19, 2021, the parties will advise the Court in a joint letter whether they have reached agreement concerning the firearms enhancement and, if not, how they propose to proceed.

Dated: New York, New York
January 20, 2021

SO ORDERED.



Paul G. Gardephe
United States District Judge